

## EPSTEIN – CVRA – JANE DOE’S DISCOVERY REQUESTS

Highlights of DE 224,225 filed 8-16-13 challenging Govt assertions of privilege, 6(e) protections to vast majority of requested (and ordered) discovery:

1. Doc 225-1 pg 2 par 9 – Claims JE civil attorneys disobeyed court order to disclose all of the correspondence between USAO and JE criminal attys re NPA but further claims that the 358 pgs that were disclosed {on 6-30-10 - the Govt side of the correspondence} “disclose for the first time the extreme steps that had been taken by the USAO to avoid prosecuting Epstein and to avoid having the victims in the case learn about the NPA agreement”. Later they will claim that Govts violation of CVRA was caused by JE demands.
2. Doc 225-1 pg 2 par 10 – “In mid-July 2010 Jane Doe No 1 and Jane Doe No 2 settled their civil lawsuits against Epstein. Then, armed with the new information, they turned to moving forward in the CVRA case. On 9-13-10 the victims informed the Court that they were preparing new filings in the case”. **CLEAR CONCESSION JANE DOES DELAYED CVRA FROM JULY OF 2008 to SEPT OF 2013 IN LIEU OF MONETARY CIVIL CASES.**
3. Doc 225-1 pg 5 par 22 – Govt produced 1,357 pgs to victims, 14,825 to court in camera. “The documents that the Govt produced were almost worthless to the victims”. 2d production of 1,500 pgs similarly “largely meaningless”
4. Doc 225-1 pg 6 par 27 – Govt has raised estoppel argument at DE 189 at 12 n 6 whereby Govt claims Jane Does forfeited right to seek rescission based on their not invoking the emergency provisions of the CVRA. Court has reserved pending factual development – “including an assessment of the allegation of a deliberate conspiracy between Epstein and federal prosecutors to keep the victims in the dark on the pendency of negotiations...until well after the fact and presentation of the NPA to them as a fait accompli” (**See DE 189 attached where Jane Does bootstrap their argument of a conspiracy into broad requests for discovery.**)
5. Doc 225-1 pgs 9-10 par 43-49. Govt answered Requests for Admissions by admitting it possesses information **Bruce Reinhart** “learned confidential non-public information about the Epstein case and that he discussed the Epstein case with other prosecutors” and that this admission proves Reinhart “filed a false affidavit with this Court”. The

claim is that Reinhart “helped Epstein gain insight into the prosecutions efforts, {creating within Govt} a motive ...not to properly notify the victims. Jane Does argue that if Epstein was improperly receiving information about the prosecution efforts against him (or lack thereof) that “could be highly relevant to the remedies stage of this case” in which the victims will ask (among other things) to have the NPA agreement invalidated {based on} evidence that Epstein was improperly obtaining information about the prosecution efforts against him. Jane Does contend that in “crafting a remedy” Court should assess Epstein’s culpability for the violations of the NPA. Jane Does also ask to receive information about a personal or business relationship between JE and **Matthew Menchel** that, they say, is highly unusual and must be investigated.

6. Doc 225-1 pg 11 par 53 – Relying on **Alex Acosta** letter in March of 2011, where he claims JE launched “a yearlong assault on the prosecution and the prosecutors”, Jane Does ask for evidence of that “assault” and its causal relationship to why prosecutors disregarding their obligations to crime victims, again arguing relevance at “remedies stage of this case” to show “improper behavior by Epstein”
7. Doc 225-1 pg 18 par 93 – Jane Does will raise **crime fraud** as exception to claims of privilege by USAO
8. Doc 225-1 pg 53 et seq attaches Answers to Requests for Admissions showing Govt admission that **it was at “Epstein’s insistence”** that USAO “agreed” to include confidentiality provision in NPA ), that USAO position on complying with CVRA as expressed in 11-28-07 letter to Lefkowitz changed as a result of response from JE counsel, that Reinhart “discussed the Epstein matter with another AUSA working on the Epstein matter”, that the Govt possesses information including telephone logs or emails reflecting contact between Reinhart and persons working at or for the DOJ or USAO that related to JE or the investigation into JE and other potential co-conspirators of JE, that Govt has no evidence of improper communications by Guy Lewis or Lily Sanchez, that OPR has collected information about Reinhart, and “other govt atty’s possible improper behavior in the Epstein matter”, that the Govt possesses info about a “personal or business relationship between JE and Matthew Menchel”, that OPR has information about a “conflict of interest” regarding the USAO for the SD Fla.
9. Doc 224-1 is a detailed response to Govt privilege log. Jane Does raise crime-fraud regarding emails including Acosta (pg 28, 47, 48, 50, 51, 52, 59), regarding delays in making victim notification (pg 38),

regarding all communications involving Menchel (pg 39, 60, 61), and regarding certain but not all OPR docs (pg 58, 65, 68)

10. Conclusion: Jane Does are focusing on remedy phase, trying to create factual basis for argument that while ordinarily a NPA should not be invalidated if there is no way to restore status quo, that here JE misconduct allows Court to impose this extreme remedy, with the allegations of misconduct being contingent on Jane Does receiving discovery that would allow them to further their allegations of conspiracy. Their argument as to a “conspiracy” is predicated on the allegations about Reinhart and Menschel, the allegations by Acosta, and the 358 pgs of correspondence they received during civil discovery which they claim shows JE insisting on the confidentiality of the NPA and the Government’s CVRA case position that they were prepared to honor statute but violated it upon the request/insistence of JE attorneys. Putting aside the allegation that Reinhart (or the insinuation that Menschel) gave JE insider information that helped him avoid prosecution (thus the NPA was unfairly negotiated, thus JE was never at risk {Edwards believes JEs defense is based on double jeopardy concepts, DE225-1 at 10}), the heart of the Jane Does remedy position is that JE legal team succeeded in insisting on confidentiality clause in NPA which led USAO to take a position regarding CVRA that led to what J Marra has determined is a statutory violation of Jane Does victim rights to consultation before NPA signed (9-24-07) or executed (6-30-08).